

FILED 09 AUG 06 13:00 USDC-ORP

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROBERT BOGGS,

Plaintiff,

v.

JOHN K. HOOVER, JOHN C. BRADLEY,

CHARLES R. FRENCH, JO'EY

STEWART, AGNES SOWLE, and

KATHRYN A. SHORT,

Defendants.

Civil Case No. 09-116-ST

O R D E R

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KING, Judge:

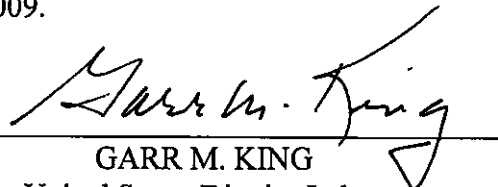
The Honorable Janice M. Stewart, United States Magistrate Judge, filed Findings and Recommendation on May 21, 2009. Plaintiff and defendants Sowle and Short filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Stewart.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Stewart (#33) dated May 21, 2009 in its entirety.

IT IS HEREBY ORDERED that defendants Sowle, Short and Stewart's Amended Motion to Dismiss (#7) is GRANTED as to Stewart with prejudice and GRANTED as to Sowle and Short without prejudice and with leave to specifically allege how they participated in the constitutional deprivation.

DATED this 6<sup>th</sup> day of August, 2009.

  
GARR M. KING  
United States District Judge